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REMARKS

Claims 1, 3-19, 58 and 59 are pending. Claims 1, 9-11, and 58 have been amended. Claim 59 has been added. Re-examination and reconsideration of the pending claims are respectfully requested.

Examiner Interview

Applicant thanks the Examiner for the courtesy shown to Applicant's undersigned representative in a telephone interview conducted on February 14, 2003. Applicant discussed claims 1 and 10 along with the Bawendi et al., Lewis et al., and Nagoshi et al. references. Final agreement on allowable claims was not reached, although the Examiner did indicate that proposed amendments to independent claim 1 (similar to those made above) could distinguish over the prior art, subject to an additional search. The Examiner also agreed that an additional search was appropriate after a discussion regarding some of the distinguishing features of prior dependent claim 10. Applicants have added a new independent claim (59) having a combination of elements similar to (but not the same as) prior dependent claim 10, and have also revised independent claim 58 with changes similar to those made to independent claim 1.

Substitute Drawings

Please find attached a substitute drawing sheet for having a correction to reference numerals of Fig. 4 as approved in an Office Action mailed October 3, 2002. No new matter has been added.

Prior rejections

Claims 1 and 3-7 were previously rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Bawendi et al., U.S. Patent No. 6,326,144. Claims 8-19 and 58 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bawendi et al. in view of either Lewis et al. (U.S. Patent No. 5,377,003) or Nagoshi et al. (U.S. Patent No. 5,495,334). Independent claim 1 has been amended to recite that the labels include a first family of labels having different identifiable spectra, wherein these spectra have first signals with a first

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wavelength. Such a family of spectra are illustrated and described, for example, with reference to Figs. 2A-2D of the application as originally filed in this case. As is also clearly disclosed, claim 1 now recites that a first label of the first family includes an associated second signal defining a second wavelength, while a plurality of other labels of the first family include associated second signals having wavelengths which are different than the second wavelength. Such a system has not been shown in the cited art, so that claim 1 (and claim 58) are allowable.

Regarding prior claim 10 and added claim 59, Applicant notes that these claims recite systems in which a plurality of labels distributed in a two-dimensional sensing field are imaged simultaneously on a sensor surface. Independent claim 59 now recites that the labels are imaged so that spectra are distributed in two-dimensions across a sensor surface. As at least some of the spectra have a plurality of wavelengths, and as the analyzer identifies the labels in response to the simultaneously sensed spectra, this combination of elements has not been shown in the cited art.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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